

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

August 5, 2002

RESPONSIBLE STAFF:

Jennifer Russel

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	7/17/02
	7/24/02
Hearing Date	8/05/02
Record Held Open	
Policy Discussion	

TITLE:

T-353—An Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance) Article III, Entitled "Regulations Applicable to Particular Zones," Division 1A. Entitled "Generally" Section 24-22, so as to More Definitely State the Status of Land Uses Permitted and Prohibited in Each Zoning District and Further to Re-title Subsection (b) to Apply to the R-6 Zone.

SUPPORTING BACKGROUND:

This text amendment, which once again is a companion housekeeping item accompanying amendments T-351 and T-352, acts to more succinctly define when a use is permitted by right and by special exception throughout the zoning ordinance. The use of this particular section has been expanded by this text amendment to apply to the entire zoning ordinance instead of just the R-6 zone. Additionally, there is new language which clarifies that if a use is not noted in the zoning ordinance it is indeed prohibited.

DESIRED OUTCOME:

Planning Commission to hold record open for two days;
Mayor and City Council to hold record open for nine days.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES", DIVISION 1A, ENTITLED "GENERALLY" SECTION 24-22 SO AS TO MORE DEFINITELY STATE THE STATUS OF LAND USES PERMITTED AND PROHIBITED IN EACH ZONING DISTRICT AND FURTHER TO RETITLE SUBSECTION (b) TO APPLY TO THE R-6 ZONE.

Text Amendment No. T-353

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled that Chapter 24, Article III, Division 1A, Section 24-22(a) and (b) of the City Code be and are hereby amended as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

DIVISION 1A. GENERALLY

Sec. 24.22. Permitted and special exception uses.

(a) Except as provided elsewhere in this chapter, no use shall be allowed except as indicated in the table provided in [subsection (b) of this section] the text of each zoning district as follows:

- (1) Permitted uses are designated by the letter "P" or otherwise identified as permitted uses or uses permitted by right on any lot or parcel in the zone indicated, subject to all applicable regulations.
- (2) Special exception uses are uses designated by the letters "SE" or otherwise identified as uses permitted as special exception[s] or special exception uses and may be authorized by the city board of appeals, in accordance with all applicable regulations and requirements.
- (3) Prohibited uses are uses not identified as permitted uses, special exception uses or conditional uses in any specific zoning district in this chapter or specifically identified as a prohibited use in any specific zoning district. Lawful accessory uses and lawful non-conforming uses are not prohibited uses.

(b) *[Residential zones]* R-6 Zone.

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ADOPTED by the City Council of Gaithersburg, Maryland, this _____ day of _____, 2002.

SIDNEY A. KATZ, Mayor and
President of the City Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002. APPROVED/VETOED by the Mayor of the City of Gaithersburg, Maryland this _____ day of _____, 2002.

SIDNEY KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2002 and the same was APPROVED/VETOED by the Mayor of the City of Gaithersburg On the _____ day of _____, 2002. This Ordinance will become effective on the _____ day of _____, 2002.

DAVID B. HUMPTON, City Manager